

APPEAL

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:04-cv-10544-NMG**

Dykens v. Allen  
Assigned to: Judge Nathaniel M. Gorton  
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 03/16/2004  
Date Terminated: 08/03/2005  
Jury Demand: None  
Nature of Suit: 530 Habeas Corpus  
(General)  
Jurisdiction: Federal Question

**Petitioner****Timothy George Dykens**




represented by **Timothy George Dykens**  
MCI Cedar Junction  
P.O. Box 100  
So. Walpole, MA 02071  
PRO SE

V.












**Respondent**

**Peter Allen**  
*Superintendent*

represented by **Susanne G. Reardon**  
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*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
03/16/2004	 1	PETITION for writ of habeas corpus pursuant to 28:2254 \$ 5.00, receipt number 0.00, filed by Timothy George Dykens.(Jenness, Susan) (Entered: 03/17/2004)
03/16/2004		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Bowler. (Jenness, Susan) (Entered: 03/17/2004)
03/16/2004	 2	MOTION to Appoint Counsel by Timothy George Dykens.(Jenness, Susan) (Entered: 03/17/2004)

09/06/2005	<u>15</u>	MOTION for Reconsideration by Timothy George Dykens.(Elefther, Elizabeth) (Entered: 09/07/2005)
09/06/2005	<u>16</u>	AFFIDAVIT in Support re <u>15</u> MOTION for Reconsideration. (Attachments: # <u>1</u> Exhibit)(Elefther, Elizabeth) (Entered: 09/07/2005)
12/07/2005		Judge Nathaniel M. Gorton : Electronic ORDER entered granting <u>13</u> Motion for Extension of Time (Nicewicz, Craig) (Entered: 12/07/2005)
12/08/2005	<u>18</u>	Judge Nathaniel M. Gorton : ORDER entered granting <u>15</u> Motion for Reconsideration "Petitioner's Motion for Reconsideration (Docket No. 15) is allowed to the extent that Petitioner may proceed solely with respect to his exhausted claims." (Elefther, Elizabeth) (Entered: 12/12/2005)
01/13/2006	<u>19</u>	Proposed Document(s) submitted by Timothy George Dykens. Document received: Memorandum. (Sonnenberg, Elizabeth) (Entered: 01/13/2006)
11/21/2006	<u>20</u>	MEMORANDUM in Opposition by Peter Allen to <u>19</u> Proposed Document(s) submitted. (Reardon, Susanne) Modified on 11/27/2006 (Sonnenberg, Elizabeth). (Entered: 11/21/2006)
11/24/2006	<u>21</u>	Proposed Document(s) submitted by Peter Allen. Document received: Further Supplemental Answer Volume 1-3 ( unscannable). (Sonnenberg, Elizabeth) (Entered: 11/28/2006)
12/26/2006	<u>22</u>	MOTION for Extension of Time (date was not listed) to File Response by Timothy George Dykens.(Sonnenberg, Elizabeth) (Entered: 12/28/2006)
12/26/2006	<u>23</u>	AFFIDAVIT by Timothy George Dykens. (Sonnenberg, Elizabeth) (Entered: 12/28/2006)
01/18/2007		Judge Nathaniel M. Gorton : Electronic ORDER entered denying <u>22</u> Motion for Extension of Time to File Response/Reply (Sonnenberg, Elizabeth) (Entered: 01/18/2007)
01/22/2007	<u>24</u>	Second MOTION for Extension of Time to 90 days to File Response/Reply as to <u>20</u> Memorandum of Law by Timothy George Dykens. (Attachments: # <u>1</u> Affidavit)(Sonnenberg, Elizabeth) (Entered: 01/23/2007)
01/30/2007		Judge Nathaniel M. Gorton : Electronic ORDER entered DENYING <u>24</u> Motion for Extension of Time to File Response/Reply re <u>24</u> MOTION for Extension of Time to 90 days to File Response/Reply as to <u>20</u> Memorandum of Law (Clerk mailed a copy of electronic notice to petitioner.)(Sonnenberg, Elizabeth) (Entered: 01/30/2007)
02/14/2007	<u>25</u>	MOTION for Reconsideration re Order on Motion for Extension of Time to File Response/Reply, by Timothy George Dykens.(Sonnenberg, Elizabeth) (Entered: 02/15/2007)
02/14/2007	<u>26</u>	AFFIDAVIT of Timothy Dykens by Timothy George Dykens. (Sonnenberg, Elizabeth) (Entered: 02/15/2007)

02/27/2007	 <u>27</u>	MOTION of Traverse by Timothy George Dykens.(Sonnenberg, Elizabeth) (Entered: 02/28/2007)
02/27/2007	 <u>28</u>	MEMORANDUM in Support re <u>27</u> MOTION of Traverse filed by Timothy George Dykens. (Sonnenberg, Elizabeth) (Entered: 02/28/2007)
03/21/2007		Judge Nathaniel M. Gorton : Electronic ORDER entered denying <u>25</u> Motion for Reconsideration, denying <u>27</u> Motion. Mailed to Petitioner 1st class US Mail. This case was closed on 8/3/05. (Nicewicz, Craig) (Entered: 03/21/2007)
04/23/2007	 <u>29</u>	MOTION to Correct the Record by Timothy George Dykens. (Attachments: # <u>1</u> Exhibit)(Sonnenberg, Elizabeth) (Entered: 04/26/2007)
05/02/2007	 <u>30</u>	Letter/requesting a copy of docket sheet (non-motion) from Timothy Dykens. (Sonnenberg, Elizabeth) (Entered: 05/03/2007)
06/29/2007	 <u>31</u>	Letter/request (non-motion) from Timothy Dykens regarding his Motion to Correct the Record on 4/20/07. (Sonnenberg, Elizabeth) Additional attachment(s) added on 6/29/2007 (Sonnenberg, Elizabeth). (Entered: 06/29/2007)
11/29/2007	 <u>32</u>	Judge Nathaniel M. Gorton : ORDER entered. MEMORANDUM AND ORDER" In accordance with the foregoing, petitioner's motion to correct the record (Docket No. 29) is ALLOWED, his motion to traverse (Docket No.27) is DENIED and his amended petition for a writ of habeas corpus (Docket No. 19) is DISMISSED. So ordered."(Sonnenberg, Elizabeth) (Entered: 11/30/2007)
12/14/2007	 <u>33</u>	NOTICE OF APPEAL as to <u>32</u> Memorandum & ORDER, by Timothy George Dykens NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 1/3/2008. (Sonnenberg, Elizabeth) (Entered: 12/17/2007)
12/18/2007	 <u>34</u>	MOTION for Clarification by Timothy George Dykens.(Sonnenberg, Elizabeth) (Entered: 12/19/2007)
12/20/2007	 <u>35</u>	Judge Nathaniel M. Gorton: ORDER of DISMISSAL entered (in accordance with 11/27/07 M&O)(Nicewicz, Craig) (Entered: 12/20/2007)
12/26/2007		Judge Nathaniel M. Gorton: Electronic ORDER entered granting <u>34</u> Motion for Clarification allowed. The Petitioner's writ was dismissed without prejudice. Sent via US Mail to Petitioner on this date. (Nicewicz, Craig) (Entered: 12/27/2007)